

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Rio Nutrias, Section 3

Subfile No.: CHNU-004-0005

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

LEROY MARTINEZ

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Nutrias, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama

Stream System, Rio Nutrias, Section 3, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water Surface Water of the Rio Nutrias, a tributary of the Chama River.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: Luis Sanchez

Location: X= 1,547,681 feet **Y=** 2,026,105 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 24, Township 27N, Range 03E, N.M.P.M.

Pt. of Lot 3	1.3 acres
Within the Tierra Amarilla Grant	4.8 acres
Total	6.1 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHNU-004-0005

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

B. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water Surface Waters of the Rio Nutrias, a tributary of the Chama River.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: Martinez/Ulibarri

Location: X= 1,545,316 feet **Y=** 2,024,839 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 24, Township 27N, Range 03E, N.M.P.M.

Pt. of Lot 3 and Pt. of Lot 4	13.4 acres
Within the Tierra Amarilla Grant	<u>15.4 acres</u>
Total	28.8 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHNU-004-0005

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Nutrias, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Nutrias, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.
8. The entry of this Order shall have no effect upon any claim of the Defendant concerning the correct boundary of Defendant's land with property mapped under subfile CHNU-004-0006B (Robert J. Ulibarri).

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Nutrias, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Nutrias, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Gabin

SPECIAL MASTER

SIGNATURE



LEROY MARTINEZ

ADDRESS:

P.O. Box 202
Tierra Amarilla
New Mexico 87520

DATE:

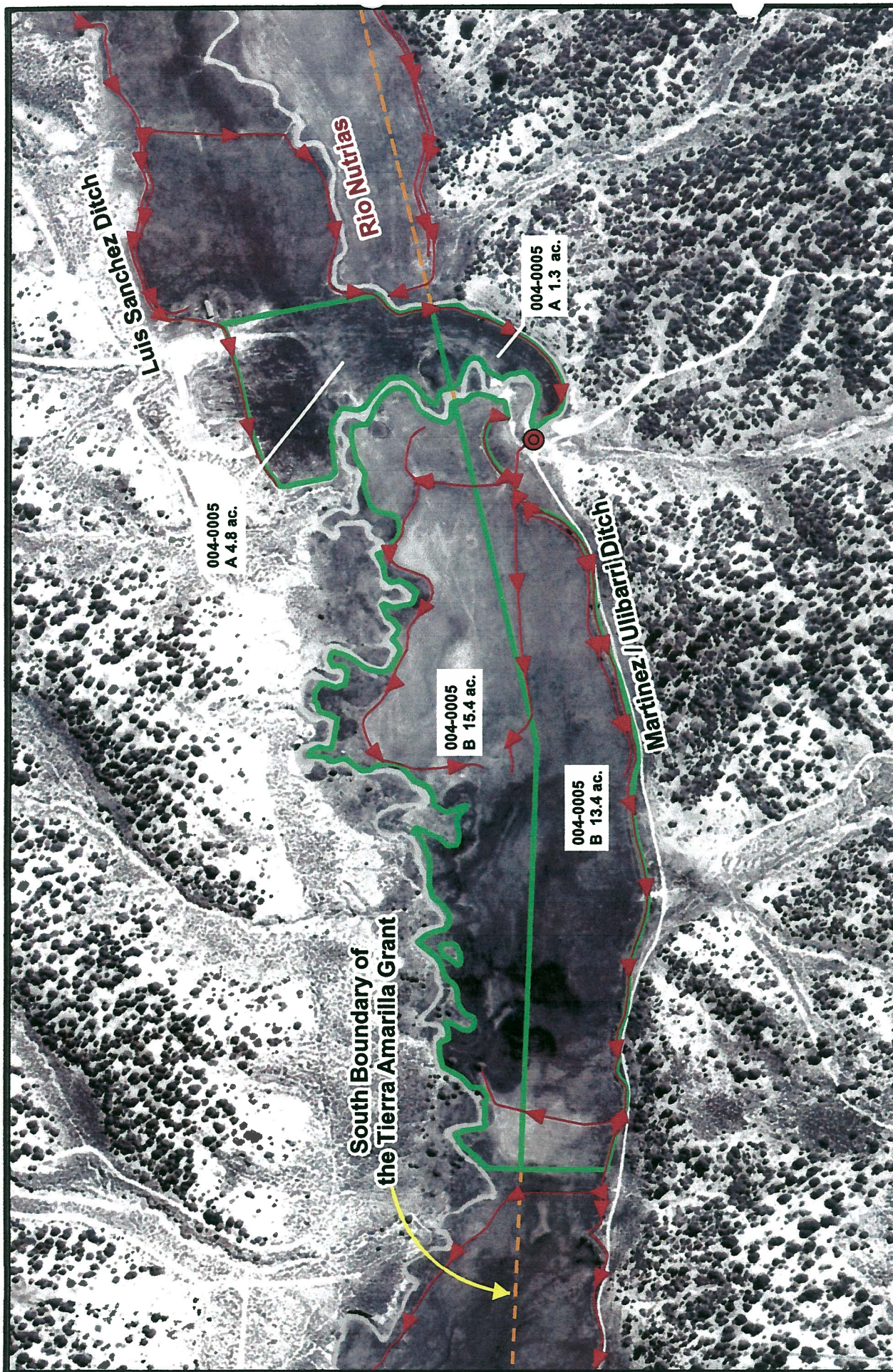
5-30-07

Ed Newville

EDWARD G. NEWVILLE
Special Assistant Attorney General

6-4-07

Date



Subfile CHNU-004-0005
Luis Sanchez &
Martinez/Ulibarri Ditches
AMENDED October 24, 2005



STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E., State Engineer

Rio Chama Hydrographic Survey
RIO NUTRIAS SECTION

Legend

- Irrigated Tract Boundary
- No Right Tract Boundary
- Operable Ditch
- Inoperable Ditch
- Stock Pond / Reservoir
- Point of Diversion

NR No Right

Scale 1"=400'

0 100 200 400 Feet